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Letter dated 29 March 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex, which contains a letter dated 29 March 1995 sent to you by His Excellency Atay A. Raşid, Minister for Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, would be circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

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ANNEX

Letter dated 29 March 1995 from Mr. Osman Ertuğ addressed to the Secretary-General

I have the honour to enclose herewith a copy of a letter dated 29 March 1995 addressed to you by H.E. Mr. Atay A. Raşit, Minister for Foreign Affairs and Defence, in connection with a previous letter addressed to you by the Greek Cypriot Foreign Minister, Mr. Alecos Michaelides (A/49/865-S/1995/202).

I shall be grateful if the present letter and its appendix are circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Letter dated 29 March 1995 from Mr. Atay A. Ragit addressed to the Secretary-General

I would like to refer to a recent letter addressed to you by Mr. Alecos Michaelides, the Foreign Minister of the Greek Cypriot administration, which was circulated as General Assembly and Security Council document A/49/865-S/1995/202 dated 16 March 1995, and to bring to your kind attention the following:

The apparent aim of the said letter, which is written ostensibly to protest against certain statements made by President Rauf Denktaş and Turkish Government officials in connection with the purported membership of "Cyprus" in the European Union (EU), is to keep the Cyprus issue high on the agenda of the international community by exploiting, for propaganda purposes, the current hiatus in the process of negotiations during the electoral period in Northern Cyprus. Furthermore, it sets out to confuse the issue of "integration", by glossing over the fact that it is the Greek Cypriot side which is after integration with Greece through various means, which may ultimately force the Turkish Cypriot side to take legitimate reciprocal measures in defence of its equal rights and very survival.

From the beginning, the Turkish Cypriot side has made its position on EU membership abundantly clear. There can be no doubt that the application to join the EU was made unilaterally by the Greek Cypriot side under the usurped title of the "Government of Cyprus". It is, therefore, devoid of any credibility and legal and moral basis, and cannot be binding on the Turkish Cypriot side or Cyprus as a whole.

The Zurich and London Agreements, which had established the bi-communal 1960 Republic of Cyprus, prohibited the membership of the Republic in international organizations and pacts of alliance in which Greece and Turkey are not both members. The Foreign Ministers of Turkey, Greece and the United Kingdom of Great Britain and Northern Ireland, only a few days before the signing of the Zurich and London Agreements on 19 February 1959, had agreed that the parties should "avoid the possibility of either Greece or Turkey securing a more favourable economic position in Cyprus than the other - of Greece for example, establishing a kind of economic enosis (union)".

The intention set out above was given effect in point 8 of the Zurich and London Agreements by expressly providing that the President or Vice-President would have, inter alia, the right of final veto on any law or decision concerning "the participation of the Republic of Cyprus in international organizations and pacts of alliance in which Greece and Turkey" do not both participate.

The clear intention of the parties to the Zurich and London Agreements, as expounded above, and the mandatory provision of the second paragraph of article 1 of the Treaty of Guarantee of 1960, which states that the partnership Republic of Cyprus established in 1960 under the said Treaties "undertakes not

to participate, in whole or in part, in any political or economic union with any State whatsoever", cannot be disputed and proves the intention to maintain an equitable balance between the respective interests of the two constituent communities and the Guarantor Powers on Cyprus.

Although the Greek Cypriot side, in collaboration with Greece, has systematically violated and tried to destroy the above-mentioned Agreements (vis., the repeated armed attacks on the Turkish Cypriots between 1963 and 1974 and the coup d'état of 15 July 1974, all aimed at annexing Cyprus to Greece or enosis), thanks to the resistance put up by the Turkish Cypriots and the timely, legitimate intervention by Turkey following the Greek coup of 1974, the underlying consideration of, and "state of affairs" created by, the 1960 Treaties are still in force. Contrary to Mr. Michaelides' allegations, therefore, Turkey protected the International Agreements on Cyprus while Greece and the Greek Cypriots have consistently violated and tried to destroy their very basis.

In your relevant report to the Security Council, you have confirmed that "Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus" (S/23780 dated 3 April 1992). The political equality of the two communities, on the other hand, has been reaffirmed both by that report and by the relevant resolutions of the Security Council.

Bearing in mind the legal foundation of the 1960 bi-communal Republic of Cyprus, the above legal considerations and the internationally acknowledged equal political status of the constituent communities of Cyprus, it is clear that, as laid down in paragraph 92 of the United Nations "Set of ideas" of 1992 (S/24472, annex), the membership of "Cyprus" in the EU as an "undivided island" is a matter which must be discussed and agreed upon by the authorized representatives of the two constituent peoples of the island before being submitted to their approval in separate referendums.

The efforts of the Greek-Greek Cypriot duo to integrate South Cyprus with Greece is not limited to membership in the EU alone. These efforts, which started long ago, continue unabated and have recently been given new impetus, particularly by the so-called "joint military doctrine" which effectively brings the South "within the defence zone of Greece". The process of hiring up to 5,000 professional soldiers from Greece to join the ranks of the Greek Cypriot National Guard has started and an agreement has been signed between Greece and South Cyprus which enables Greeks and Greek Cypriots to acquire dual citizenship. Preparations are under way to provide Greece with air-force and naval bases in South Cyprus, and the arming frenzy, which has again been stepped up, is reported to be getting a further boost by 50 more tanks which will be sent from Greece for use by the Greek Cypriot National Guard (see Greek Cypriot daily Agon dated 19 March 1995). The Greek Cypriot leadership is publicly committed to building up the armoured units of the "National Guard" to include as many as 500 tanks, including some of the most advanced in the world.

In the meantime, there is no shortage of public statements from the Greek Cypriot leadership as to the purpose of these militarization efforts. Explaining the purpose of the "joint military doctrine" as "being ready for war", the leader of the Greek Cypriot community, Mr. Clerides, in an interview with the mainland Greek newspaper Eleftheros Tipos, which was also reprinted in the local Greek Cypriot press on 19 March 1995, has stated that "the Joint Defence Doctrine is not merely on paper, it is being implemented effectively and with determination". He further stated that "those who believe that Greek war-planes will not go beyond running demonstration flights over our skies are deceiving themselves".

On the other hand, the Interior Minister of the Greek Cypriot administration, Mr. Dinos Michaelides, in a message he sent to Greek Cypriots living in the United States of America, is reported to have made the following belligerent remarks:

> "I would like to assure you that the 21-year-old occupation has not frustrated our struggling people. With the help of Greece, which is our mainstay of support, and that of Hellenes all around the world, we shall continue the struggle no matter how many sacrifices it requires ... This struggle will not end until our occupied lands are liberated and we freely set foot on Kyrenia, Morphou, Famagusta, Karpas, Kythrea and Lapitos" (towns in Northern Cyprus).
>
> (Greek Cypriot daily Mahi of 16 March 1995)

The joint Greek and Greek Cypriot front, which has caused so much bloodshed and suffering in the island with its campaign to create a purely Greek Cyprus, ultimately causing the division of the island, and which is consolidating this division by continuing to claim the whole island for itself, certainly has no right to complain about the inevitable consequences of its own actions. Cyprus, as had also been stated by Archbishop Makarios in his speech before the Security Council on 19 July 1974, four days after the coup, was "invaded by Greece", not by Turkey. The seat of Government which, by the Agreements of 1960, must belong to both communities as partners, has, since 1963, been illegally occupied and monopolized by the Greek Cypriot side. This is the real and the only occupation which continues in Cyprus.

On the other hand, it is ironic that a mentality which has attempted to annex the whole island and continues to entertain irredentist designs on Cyprus, in flagrant violation of international law and all norms governing peaceful relations among nations, can feel eligible to interfere with and complain about proposed amendments to existing legislation in the Turkish Republic of Northern Cyprus regarding utilization and ownership of property in the North. The record shows that one of the main features and root causes of the Cyprus conflict has been the Greek Cypriot attempt to dispossess the Turkish Cypriots of their lands and properties, and to marginalize them politically and economically, if not destroy them altogether. As part of this sinister policy, thousands of acres of Turkish Cypriot-owned land has been transferred to Greek Cypriots either illegally or by coercion, particularly since 1955, including Vakf (Muslim religious trust) land, which, by law, is not transferable.

At a time when the Greek Cypriot side itself has been enacting legislation concerning the utilization of Turkish Cypriot immovable properties in the South (Law No. 139/1991), Greek Cypriot allegations concerning properties in the North are baseless and designed to mislead. The Greek Cypriot administration has, in effect, been issuing ownership certificates to their citizens for houses built on the Turkish Cypriot property and are requisitioning Turkish-owned property. The Greek Cypriot daily Phileleftheros reported on 2 February 1995 that 4,600 Greek Cypriots who have houses built on Turkish Cypriot property are expected to be issued possession certificates soon. It is reported that the matter, having been reviewed by the relevant "Parliamentary Committee", will be submitted to the Greek Cypriot Council of Ministers by the Interior Ministry shortly, with the proposal for the issuing of title deeds.

As you are aware, the property rights and title deeds issue is a by-product of the conflict in the island. As such, the issue can only be settled through the negotiations, and on the basis of the already agreed principles of bi-zonality and bi-communality.

Meanwhile, Greece and the Greek Cypriot side would be well advised to stop spreading false propaganda against Turkey and the Turkish Cypriot side and focus on the negotiating process aimed at the establishment of a bi-communal, bi-zonal federation in the island, based on the political equality of the two communities. For every unilateral action they take in order to dominate Cyprus at the expense of the Turkish Cypriot community is bound to have consequences for the process of negotiations and a just and lasting solution.

The statements made by President Denktaş and the Turkish Government officials regarding membership in the EU are "a word to the wise", not a threat. The real threat to peace in Cyprus comes from the statements and actions of the Greek Cypriot side itself, to bring the Turkish Cypriots under its domination and claim the whole island. I am sure that the international community will not fail to see the situation in the light of these facts and realities, rather than the baseless propaganda created by the Greek Cypriot side and Greece, and draw the appropriate conclusions.

I shall be grateful if this letter is circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Atay A. RAŞIT
Minister for Foreign Affairs
and Defence